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10/604,538

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Haig H. Krakirian

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EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2427

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,538	<b>Applicant(s)</b> KRAKIRIAN ET AL.	
	<b>Examiner</b> JEREMY DUFFIELD	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-36, 38-48 and 50-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-36, 38-48, and 50-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 01 February 2010 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 2/11/09 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Response to Arguments***

3. Applicant's arguments filed 01 February 2010 have been fully considered but they are not persuasive.

In response to applicant's arguments that the given references do not teach "displaying, in response...the selected series", Page 14, lines 1-5, the examiner

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respectfully disagrees. Ellis teaches a user interface screen that displays a list of series recordings and "MOVE UP" and "MOVE DOWN" icons (Fig. 52, el. 3508, 3510). The user may use the icons to change the delete priority for a particular series recording. Ellis, at Para. 359, further states the icons may be used to set relative default recording priorities for a series. A user must first select a series in order for the changing of the priority for that particular series to be an option. Rowe teaches an EPG screen that displays various television program aspects. When a user selects a particular television program, the program is displayed in a floating bar with a set of arrows in the bar (Fig. 7, el. 67). Combining Rowes' floating bar and arrows with the "MOVE UP" and "MOVE DOWN" priority changing icons of Ellis brings one of ordinary skill in the art to realize a system that displays priority changing icons whenever a user selects a particular television program or series.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-33, 38, 41-45, 50, and 53-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2002/0174430) in view of Rowe (US 5,812,123) and further in view of Kaminski (US 2002/0199185).

Regarding claim 29, Ellis teaches a method of resolving conflicts for series recordings (Para. 198), the method comprising:

scheduling a plurality of series for recording (Para. 197-199, 201, 203);

assigning each of the plurality of series a different recording priority (Para. 198, 220; 357-359);

determining that a scheduled recording of a first show in a first series conflicts with a second show in a second series that is scheduled for recording (Para. 198, 200, 206, 213);

cancelling the scheduled recording of the first show based on a first recording priority assigned to the first series, i.e. first show had a lower recording priority than a conflicting second show (Para. 206);

displaying a first interface screen comprising a plurality of listings of shows that are scheduled for recording, i.e. program listing screen, series listings screen (Para. 205-206, 208, 225, 229-230, 334-336);

displaying, in the first interface screen, a first indication that the scheduled recording of the first show has been cancelled (Fig. 7, el. 703; Para. 206);

switching from the first interface screen to a second interface screen (Fig. 52; Para. 357-359),

wherein the second interface screen comprises a list of the plurality of series that indicates the recording priorities assigned to the plurality of series wherein a position of each series in the list indicates a relative recording priority

for the respective series, i.e. a plurality of series are displayed in a prioritized list (Fig. 52; Para. 357-359); and

receiving a user request, through the second interface screen, to increase the first recording priority assigned to the first series such that the scheduled recording of the first show is no longer canceled, wherein receiving the user request to increase the first recording priority comprises receiving a user selection of the first series in the list, i.e. modifying an existing scheduled program (Para. 213-214, 219-220, 357-359); and

displaying, in response to the user selection, an option to change the position of the first series in the list to modify the recording priority assigned to the series (Fig. 52; Para. 357-359). Note: even though the move up and move down icons are displayed the entire time, the option to change the position of a particular series will not be available until after that particular series is selected.

Ellis does not clearly teach receiving, through a single keystroke by a user, a first user selection to switch from the first interface screen to the second interface screen.

Rowe teaches displaying, in response to a user selection of a television program, an option to change the position of the cursor in the list, i.e. an up arrow and down arrow are both displayed in a floating bar whenever a television program is selected (Fig. 7, el. 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to include displaying, in response

to the user selection, an option to change the position of the first series in the list to modify the recording priority assigned to the series, using the well-known technique of displaying arrows in a floating bar whenever a television program is selected, as taught by Rowe, in combination with the ability to change the recording priority of a series using the arrows of Ellis, for the purpose of providing the user with a quicker and easier method of changing a recording priority for a particular series.

Ellis in view of Rowe does not clearly teach receiving, through a single keystroke by a user, a first user selection to switch from the first interface screen to the second interface screen.

Kaminski teaches using a single keystroke to switch from a screen to a recording schedule or recording options screen, i.e. using the "B" or "C" button on the remote control (Fig. 8; Para. 76-78).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Rowe to include receiving, through a single keystroke by a user, a first user selection to switch from the first interface screen to the second interface screen, using the known technique of assigning user interface screens to a remote control button taught by Kaminski, with the user interface screens taught by Ellis in view of Rowe, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 30, Ellis in view of Rowe in view of Kaminski teaches the second show is in a second series (Ellis-Para. 198, 200, 206, 213), and

wherein canceling the scheduled recording of the first show comprises:

determining that the first recording priority assigned to the first series is lower than a second recording priority assigned to the second series (Ellis-Para. 198, 206, 357-359); and

canceling the scheduled recording of the first show in response to the determining (Ellis-Para. 198, 206).

Regarding claim 31, Ellis in view of Rowe in view of Kaminski teaches canceling the scheduled recording for the second show in response to the increase of the first recording priority assigned to the first series, i.e. modifying the recording priority and cancelling the lowest priority show during a time conflict (Ellis-Para. 198, 206, 213).

Regarding claim 32, Ellis in view of Rowe in view of Kaminski teaches receiving, through another single keystroke by the user, a third user selection to switch from the second interface screen back to the first interface screen, i.e. pressing the program guide button on the remote control to open the program listing (Ellis-Para. 195-196, 205-206; Kaminski-Fig. 4);



displaying the first interface screen comprising the plurality of listings of the programs that are scheduled for recording (Ellis-Para. 195-196, 205-206); and

displaying, in the first interface screen, a second indication that the scheduled recording of the second show has been canceled (Ellis-Para. 206).

Regarding claim 33, Ellis in view of Rowe in view of Kaminski teaches displaying a no-record icon with a listing for the first show (Ellis-Para. 206).

Regarding claim 38, Ellis in view of Rowe in view of Kaminski teaches receiving a user indication of the first series from the list (Ellis-Para. 213-214; 334-336, 357-359; Rowe-Fig. 4, el. 58, 60); and

receiving a third user selection of the option to change a relative position of the first series in the list, i.e. the user inputs a new priority (Ellis-Para. 213-214; 334-336, 357-359; Rowe-Fig. 7, el. 67).

Regarding claim 41, claim is analyzed with respect to claim 29. Ellis in view of Rowe in view of Kaminski further teaches an apparatus for resolving conflicts for series recordings, the apparatus comprising:

a user input device, i.e. remote control (Ellis-Fig. 2a, el. 212; Fig. 2b, el. 9906; Fig. 2c, el. 9936; Fig. 3, el. 308; Kaminski-Fig. 4);

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a display device (Ellis-Fig. 2a, el. 206; Fig. 2b, el. 9904; Fig. 2c, el. 9926);  
and  
control circuitry (Ellis- Fig. 2a, el. 202, 204; Fig. 2b, el. 9902; Fig. 2c, el. 9922, 9924).

Regarding claim 42, claim is analyzed with respect to the combination of claims 30 and 41.

Regarding claim 43, claim is analyzed with respect to the combination of claims 31 and 41.

Regarding claim 44, claim is analyzed with respect to the combination of claims 32 and 41.

Regarding claim 45, claim is analyzed with respect to the combination of claims 33 and 41.

Regarding claim 50, claim is analyzed with respect to the combination of claims 29, 38, and 41.

Regarding claim 53, Ellis in view of Rowe in view of Kaminski teaches visually distinguishing the first series in the list from another series in the list in

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response to the second user selection, i.e. moving a highlight window over a series in the display screen (Ellis-Para. 209, 219-220, 225-226; 357-359; Rowe-Fig. 2-6, el. 58, 60).

Regarding claim 54, Ellis in view of Rowe in view of Kaminski teaches the visually distinguishing the first series comprises:

displaying the first series in a floating bar (Ellis-Fig. 7, el. 703, 704, 706, 710, 714; Para. 205-208; Rowe-Fig. 2-6, el. 58, 60);

displaying icons within the floating bar that indicate change in relative priority (Ellis-Fig. 52, el. 3508, 3510; Para. 357-359; Rowe-Fig. 7, el. 67); and

displaying a visual indicator in the floating bar indicating selection of the first series (Ellis-Fig. 7, el. 703, 704, 706, 710, 714; Para. 205-208; Rowe-Fig. 4, el. 58, 60).

Regarding claim 55, Ellis in view of Rowe in view of Kaminski teaches displaying the option to change the relative position comprises displaying at least one icon indicating change in relative priority, i.e. move up, move down icons (Ellis-Fig. 52, el. 3508, 3510; Para. 357-359; Rowe-Fig. 7, el. 67).

Regarding claim 56, claim is analyzed with respect to the combination of claims 41 and 53.

Regarding claim 57, claim is analyzed with respect to the combination of claims 54 and 56.

Regarding claim 58, claim is analyzed with respect to claim 55.

Regarding claim 59, Ellis in view of Rowe in view of Kaminski teaches displaying the first series in a floating bar in response to the second user selection of the first series, wherein icons within the floating bar that indicate change in relative priority move with the floating bar as the position of the first series within the list is changed (Ellis-Fig. 7, el. 703, 704, 706, 710, 714; Fig. 52, el. 3508, 3510; Para. 205-208; Rowe-Fig. 2-6, el. 58, 60; Fig. 7, el. 67).

6. Claims 34-36, 39, 40, 46-48, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Rowe in view of Kaminski and further in view of Lajoie (US 5,850,218).

Regarding claim 34, Ellis in view of Rowe in view of Kaminski teaches all elements of claim 29.

Ellis in view of Rowe in view of Kaminski further teaches displaying a first icon and a second icon with the first interface screen, i.e. "B" icon and "C" icon (Kaminski-Fig. 8, el. 850; Ellis-Para. 205-206, 208, 225);

associating the first icon with an interface screen (Kaminski-Para. 78); and

associating the second icon with a second interface screen (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78), wherein receiving the first user selection to switch from the first interface screen to the second interface screen comprises receiving a user selection of the second icon (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78).

Ellis in view of Rowe in view of Kaminski does not clearly teach associating the first icon with the first interface screen.

Lajoie teaches associating a first icon with a first interface screen, i.e. "A" icon for program guide by time (Fig. 17, 20); and associating a second icon with a second interface screen, i.e. "B" icon for program guide by theme (Fig. 17, 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Rowe in view of Kaminski's first icon to be associated with the first interface screen, using the technique taught by Lajoie, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 35, Ellis in view of Rowe in view of Kaminski in view of Lajoie teaches maintaining the display of the first icon and the second icon when the second interface screen is displayed, i.e. when the second icon is selected, the interface changes to the second interface, and the same icons are displayed at the bottom of the screen (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78; Lajoie-Fig. 20, 21).

Regarding claim 36, Ellis in view of Rowe in view of Kaminski in view of Lajoie teaches receiving a third user selection of the first icon (Lajoie-Fig. 19; Col. 26, lines 26-48); and

switching from the second interface screen to the first interface screen in response to receiving the user selection of the first icon (Lajoie-Fig. 19; Col. 26, lines 26-48).

Regarding claim 39, Ellis in view of Rowe in view of Kaminski teaches all elements of claim 29.

Ellis in view of Rowe in view of Kaminski further teaches receiving a third user selection to switch from the first interface screen or the second interface screen to a third interface screen, wherein the third interface screen comprises a plurality of listings of recorded programs (Ellis-Para. 225, 229, 230, 309; Kaminski-Fig. 8).

Ellis in view of Rowe in view of Kaminski does not clearly teach receiving a third user selection through a single keystroke by the user to switch from the first interface screen or the second interface screen to a third interface screen.

Lajoie teaches associating a first icon with a first interface screen, i.e. "A" icon for program guide by time (Fig. 17, 20); associating a second icon with a second interface screen, i.e. "B" icon for program guide by theme (Fig. 17, 20); and associating a third icon with a third interface screen, i.e. "C" icon for program

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guide by title (Fig. 17, 20); and switching from one screen to another by pressing the associated button on the remote control at any time while being presented with one of the other three screens (Fig. 19; Col. 26, lines 26-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Rowe in view of Kaminski to include receiving a third user selection through a single keystroke by the user to switch from the first interface screen or the second interface screen to a third interface screen, using the technique taught by Lajoie, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 40, Ellis in view of Rowe in view of Kaminski in view of Lajoie teaches displaying a visual indication of an estimated time until at least one of the recorded programs will be deleted (Ellis-Fig. 36, el. 2206; Para. 309).

Regarding claim 46, claim is analyzed with respect to the combination of claims 34 and 41.

Regarding claim 47, claim is analyzed with respect to the combination of claims 35 and 41.

Regarding claim 48, claim is analyzed with respect to the combination of claims 36 and 41.

Regarding claim 51, claim is analyzed with respect to the combination of claims 39 and 41.

Regarding claim 52, claim is analyzed with respect to the combination of claims 40 and 41.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Fri. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11 February 2010

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2427